

MINUTES OF THE
VINEYARD CITY COUNCIL MEETING
240 East Gammon Road, Vineyard, Utah
March 14, 2018 at 6:00 PM

Present

Mayor Julie Fullmer
Councilmember John Earnest (6:04 PM)
Councilmember Tyce Flake
Councilmember Chris Judd

Absent

Councilmember Nate Riley

Staff Present: City Manager/Finance Director Jacob McHargue, Public Works Director/Engineer Don Overson, Assistant City Engineer Chris Wilson, City Attorney David Church, Sergeant Holden Rockwell with the Utah County Sheriff's Department, Community Development Director Morgan Brim, City Planner Elizabeth Hart, City Recorder Pamela Spencer, Building Official George Reid, Water/Parks Manager Sullivan Love, Planning Commission Chair Cristy Welsh

Others Present: Jim Phelps, residents Anthony Jenkins and David Lauret, Resident and Youth Council Advisor Jim Welsh, Bronson Tatton with the Waters Edge development.

6:00 PM WORK SESSION

Mayor Fullmer called the meeting to order at 6:00 PM. Councilmember Judd gave the invocation.

OPEN SESSION – Citizens' Comments

Mayor Fullmer opened the public session.

Jim Phelps, running for Utah County Sheriff, introduced himself and briefly reviewed his qualifications.

Councilmember John Earnest entered the meeting at 6:04 PM.

Mayor Fullmer called for further comments. Hearing none, she closed the public session.

MAYOR AND COUNCILMEMBERS' REPORTS/DISCLOSURES/RECUSALS

Councilmember Judd reported on attending the Utah Central Association of Realtors meeting, where he gave an update on the city. He added that Mayor Fullmer and Mr. McHargue also attended this meeting. He noted that they received positive feedback.

Councilmember Flake reported that the state legislative session had ended. He noted that there were a few small bills that were passed that he felt would not affect the city.

STAFF REPORTS

City Manager/Finance Director – Jacob McHargue – Mr. McHargue reported that there was good news from the legislative session. He stated that the Vineyard FrontRunner station had received a grant and that they would be able to get the project started as soon as July 1. He said that the city had been meeting with UTA, UDOT, and MAG to get the process going. He said that the project would cost around \$5 million. He added that this would give the city some flexibility in the design of the station, etc. He reported that he had met with Geneva Nitrogen and they were ready to move their RDA application forward. He noted that this would be on the RDA agenda for the first meeting in April. Mr. Overson commented that Geneva Nitrogen had committed to be out of the fertilizer business by 2019. Mr. McHargue said that Geneva Nitrogen would be willing to forgo any connection to rail. He noted that Geneva Nitrogen was working with Union Pacific on their alignment with 1200 North, which would help with the Geneva Road Access Management Plan. He reported that he would be attending the North Pointe Solid Waste Special Service District conference. He reported that staff had received an updated Union Pacific agreement. Mayor Fullmer requested that staff send a thank you note for the grant.

Public Works Director/Engineer – Don Overson – Mr. Overson reported that staff had received an acknowledgment from Union Pacific that they had received the City's permit application for the Center Street overpass. He reported on the Central Utah Water Project (CUP) pipeline project. He said that the water line would go from the Alloy Apartments along the east side of the railroad tracks to 400 North, west under the railroad tracks and then north along the tracks, under the overpass at the Vineyard Connector, and almost to 1600 North. He suggested that residents go to www.thewellsatvineyard.com to review the project.

City Attorney – David Church – Mr. Church was not present at this time.

Utah County Sheriff's Department – Sergeant Holden Rockwell – Sergeant Rockwell had no new items to report.

Community Development Director – Morgan Brim & Planning Commission Chair Cristy Welsh

- Ms. Welsh reported that the Planning Commission had a busy meeting last week. They reviewed two site plans: Lakeview Holdings, and the Mill Town development, where they did a site visit. The commission approved both site plans. She said they reviewed the Holdaway Cove preliminary plat and the WatersEdge Hamptons and James Bay plats. He explained that the Hamptons was making room for an LDS church, which would take about 12 lots. She stated that there were concerns with where the density would go. She reported that on the James Bay plat there were two issues. One issue was that there were originally two access points which they changed to one main access point. The second access point was changed to a crash gate into the park. She said that the other concern was with the water runoff on the back lots to the lake. She mentioned that there was a Zoning Ordinance to amend the drive-thru standards.
- Mr. Brim noted that they would not be discussing the Hamptons Plat tonight. He said that the developer needed to do an analysis of how the larger lots would be spread throughout the rest of the community. He reported that he had met with the Clegg family about their farmland. He mentioned that staff had met with Edge Homes which had purchased the property to the west of the Preserve in the Town Center area. He noted that Starbucks had officially submitted their site plan, conditional use permit, and a plat amendment.

City Recorder – Pamela Spencer – Ms. Spencer reported that Utah County Commissioners had voted not to have an all vote by mail election this year. She suggested that if residents wanted to still vote by mail they get on the state's voter registration website and register for an absentee ballot.

Building Official – George Reid – Mr. Reid reported that crews would be painting the basement tomorrow. He hoped to be using the basement by mid-April. He stated that he would be presenting the Administrative Citation Enforcement program (ACE) at the next council meeting. He explained that this would be an amendment to the Municipal Code adding a new chapter for code enforcement.

Water/Parks Manager Sullivan Love – Mr. Love had no new items to report. Councilmember Judd asked who represented Vineyard on the Utah Lake Commission. Mr. Love responded that he did. He reported on the Utah Lake Restoration project. He added that the Utah Lake Commission was supportive of the project. He noted that in conjunction with the project the Division of Forestry, Fire, and State Lands would be creating management plans. Mayor Fullmer commented that the update to the bill was to make it so the state would be more involved in the project. There was further discussion about the lake project. He mentioned that the website for the lake project was www.utahlakerestoration.com

Mr. Love reported that he attended a meeting about pretreatment processes for green waste.

DISCUSSION ITEMS

No items were submitted.

6:23 PM REGULAR SESSION

Mayor Fullmer opened the regular session at 6:23 PM.

MAYOR'S APPOINTMENTS

No items were submitted.

CONSENT ITEMS

a) Approval of the February 28, 2018 City Council Meeting Minutes

Mayor Fullmer asked to remove the consent item for further review.

Motion: COUNCILMEMBER FLAKE MOVED TO POSTPONE THE APPROVAL OF THE CONSENT ITEM. COUNCILMEMBER EARNEST SECONDED THE MOTION. MAYOR FULLMER, COUNCILMEMBERS EARNEST, FLAKE, AND JUDD WERE IN FAVOR. COUNCILMEMBER RILEY WAS ABSENT. MOTION CARRIED WITH ONE ABSENT.

BUSINESS ITEMS

9.1 DISCUSSION AND ACTION – Youth Council Structure Amendments

Youth Council Advisor Jim Welsh will present requested changes to the Vineyard Youth Council structure. The mayor and City Council will take appropriate action.

Mayor Fullmer turned the time over Youth Council Advisor Jim Welsh.

Mr. Welsh gave a brief history of the Youth Council. He read through the proposed changes. He said that the original structure only allowed for 5 youth to participate. He felt that was short-sighted and wanted to open it up to more youth. He wanted it opened up for youth from ages 12 to 18. He also wanted to keep the original committees and add two leadership positions of City Manager and Youth City Recorder. The total of participants on the executive team would be seven youth. He said that they would involve all of the youth interested in participating in the meetings and projects. Other requirement changes: must be a resident for at least three months to apply, all terms of service would be limited to one year, elections would be held the third week in July and proposals would be sent to the mayor and City Council by the third week in August. He felt that these changes would get more youth involved at a younger age. He noted that last year there were 10 to 12 youth participating and this year there were over 30 applications with 22 coming to the meetings on a regular basis.

Mr. Welsh gave a summary of the changes.

Mayor Fullmer called for questions from the council. Hearing none, she called for a motion.

Motion: COUNCILMEMBER JUDD MOVED TO APPROVE THE ATTACHED DOCUMENT REGARDING THE YOUTH COUNCIL WITH THE STRUCTURE AS NOTED INCLUDING THE UPDATED APPLICATION. COUNCILMEMBER EARNEST SECONDED THE MOTION. MAYOR FULLMER, COUNCILMEMBERS EARNEST, FLAKE, AND JUDD WERE IN FAVOR. COUNCILMEMBER RILEY WAS ABSENT. MOTION CARRIED WITH ONE ABSENT.

9.2 PUBLIC HEARING – 2017-2018 FY Budget Amendment Resolution 2018-03

City Manager/Finance Director Jacob McHargue will present amendments to the 2017-2018 Fiscal Year Budget. The mayor and City Council will hear public comment regarding these amendments. The mayor and City Council may act to approve (or deny) this request by resolution.

Mayor Fullmer turned the time over to City Manager/Finance Director Jacob McHargue.

Mr. McHargue gave a brief background on how budget amendments were handled. He then presented the proposed amendments to the 2017-2018 budget. He said that the purchase of the property west of Gammon Park was the most significant reason for the budget adjustment was. Highlights of the presentation were:

General Fund Revenues

Revenue increase	\$ 976,360
<u>Appropriation of fund balance</u>	<u>\$2,841,300</u>
Total Increase	\$3,457,660

Councilmember Judd asked what the increases were attributed to. Mr. McHargue replied that they collected more in property taxes than anticipated. He added that the trends for sales taxes were up and the trend for franchise taxes went down. He said that they raised the projected building permit revenue and the city received a Geographic Information System Mapping Technology (GIS) grant. They raised revenue projections for development fees and garbage collection fees, and interest earnings were up. He concluded that the main change was the

appropriation fund balance, which was money left over from prior years in a capital projects account or were one-time funds for projects and appropriating them for projects this year.

General Fund Expenses

Administration	\$ 38,400	majority for the basement finish
Park Purchase	\$2,751,000	
Contracted Services	\$ 51,700	25,000 for General Plan, 25,000 engineering
Building & Grounds	\$ 4,000	additional tools for splash pads
Building Inspections	\$ - 152,800	lower contracted services than anticipated
Public Safety	\$ 18,100	due to growth
Public Works	\$ 95,500	offsetting expense for the GIS grant
Sanitation	\$ 30,000	offsetting revenue/due to growth
Parks	\$ 71,000	increases to run the splash pad
<u>Transfers</u>	<u>\$ 550,060</u>	utility and capital projects
Total Increase	\$3,457,660	

Impact Fees

Impact Fees Revenue	\$ 546,000	reimbursement agreement
Roadway Expenses	\$ 540,000	reimbursement agreement, center street overpass, New Vineyard Road design
Storm Drain Expenses	\$ 50,000	Homestead reimbursement agreement

Capital Projects

Road Striping	\$ 92,000	
Vineyard Elementary	\$ 64,000	additional costs for a storm drain
Basement Finish & Parking Lot	\$ 325,000	
Shore Detention Park	\$ 150,000	
300 West Landscaping	\$ 87,000	
Park Purchase	\$2,751,000	
Contribution from General Fund	\$ 653,960	help to fund some of the projects
Appropriation from Fund Balance	\$3,359,040	additional from Fund balance

Water Revenues

Water revenues are increasing each year. He explained that the city always made revenue projections low.

Water Fund

Water Revenues	\$1,011,700	
Water Expenses	\$1,274,330	
General Fund Subsidy	\$ 190,100	purchase water in blocks (one-time subsidy)

Councilmember Judd asked how the block of water cost. Mr. McHargue replied that it was about \$360,000

Sewer Revenues

Sewer revenues – increase each year and were projected low

Sewer Fund

Sewer Revenue	\$ 507,030	
Sewer Expenses	\$ 865,200	\$98,000 – one-time projects
General Fund Subsidy	\$ 95,370	never have funded depreciation

Councilmember Judd asked what the plan was for funding depreciation. Mr. McHargue replied that it would be easier to fund depreciation as they grow, but at build-out, they would be able to fund it. Councilmember Judd asked about critical failures. Mr. McHargue replied that the money was used to upgrade some of the Lift Stations. Mr. Overson explained that Lift Station #1 was almost 10 years old and sat vacant for about 5 years and needed to replace parts because of lack of use. He felt that it was money well spent to bring the level of service up. Mr. McHargue said that staff was looking at what they would need to fund depreciation.

Storm Water Fund

Storm Water Revenues	\$ 85,400
Storm Water Expenses	\$ 104,400
Projected Subsidy	\$ 19,000

Mr. McHargue noted that most of the cost was staffing. Mr. Overson explained that this was mandated by the state and the city needed a way to fund it.

Transportation Fund

Transportation Revenues	\$ 277,200	
B&C from General Fund	\$150,000	
Transportation Utility	\$ 36,900	
General Fund Subsidy	\$ 90,300	
Transportation Expenses	\$ 277,200	
Mill Road	\$270,000	needs to be striped and needs an overlay.

Mr. McHargue said that there were three options for Mill Road.

Option 1. Use the subsidy to fund the project this year.

Option 2. Do a basic striping for around \$15,000 and wait until the next budget year to do the overlay.

Option 3. Wait until the next budget year, which is July 1, and do the entire project.

Mr. McHargue said that staff's recommendation was Option 3 because the \$90,000 from the General Fund was unencumbered money, meaning no restrictions. He said that the B & C road money can only be used for this type of project so they could spend this year's and next year's B & C road funds if they wait.

Councilmember Judd asked about the transportation expenses. Mr. McHargue explained that initially the money was budgeted to do an overlay in some of the subdivision but they wanted to wait on that and do Mill Road. Staff considered Mill Road one of the highest priorities because of the concerns with safety. Mr. Overson said that with all of the developments going in along Mill Road they have had to cut into the road and it was taking year of life out of it. He emphasized the critical need to bring Mill Road back up to a level of service they could be comfortable with. Mayor Fullmer stated that it was a high point of danger in regards to the striping of the road. Mr. There was a discussion about where to spend the funds. Sergeant Rockwell noted that there was not a high number of accidents not on Mill Road.

Councilmember Earnest asked what the highest priority was. Mr. McHargue replied that staff's recommendation was to hold off until July and use the General Fund money towards other projects. There was further discussion about Mill Road and using the funds. Mr. McHargue stated that staff was comfortable with any of the options but was recommending Option 3.

Councilmember Judd asked how much wear and tear there would be in the next 6 months if they went with Option 2 and just did the striping. Mr. Overson replied that the sooner they could

patch and treat the road, the longer it would last. Mr. McHargue explained that it would only push the project back about 6 weeks. If they wait they could still get the project out to bid with a start date of July 1. He said that they would bring the project back to council.

Councilmember Judd asked when the neighborhood's roads would be done. Mr. Overson replied that based on the revenue projections the project would be done next budget year.

Mayor Fullmer asked if the council was comfortable giving staff direction. Councilmember Earnest stated that he was comfortable with the July 1 date. Councilmember Flake stated that he wanted to use the money purpose directed and take the two-month delay. Mr. McHargue explained that initially, staff did not know what the state was going to do so they only budgeted for \$50,000 in expenses this year.

Mayor Fullmer said that her concern was with safety on this road. She asked if they would have the bids back by the next meeting, and if so, would the bids show both Options 2 and 3. Mr. McHargue replied that the Option 2 was just for striping. Options 2 and 3 would both start in July. He added that staff could present council with the striping bid at the next meeting.

Mr. McHargue stated that they had one capital project under construction, which was The Shores detention park. He said that there were a few change orders so they included a 10 percent contingency in the budget, which would give them \$15,000 that they would not have to get additional council approval on.

Councilmember Earnest asked for examples of what was in the contingency. Assistant City Engineer Chris Wilson replied that they had to install meter pedestal to the street lights to allow for power to the sprinkling system, an upsize on an irrigation main, etc.

Councilmember Judd asked if they were not required to include a contingency amount in the original bid. Mr. Wilson replied that the contingency would be something that staff would include in the bid approval. Councilmember Judd suggested that they add a contingency amount in the bid approval process. Mr. McHargue noted that he could approve up to \$3,000.

Mayor Fullmer called for a motion to open the public hearing.

Motion: COUNCILMEMBER FLAKE MOVED TO OPEN THE PUBLIC HEARING AT 7:05 PM. COUNCILMEMBER JUDD SECONDED THE MOTION. ROLL CALL WENT AS FOLLOWS: MAYOR FULLMER, COUNCILMEMBERS EARNEST, FLAKE, AND JUDD WERE IN FAVOR. COUNCILMEMBER RILEY WAS ABSENT. MOTION CARRIED WITH ONE ABSENT.

Mayor Fullmer called for public comments. Hearing none, she called for a motion to close the public hearing.

Motion: COUNCILMEMBER FLAKE MOVED TO CLOSE THE PUBLIC HEARING AT 7:05 PM. COUNCILMEMBER EARNEST SECONDED THE MOTION. MAYOR FULLMER, COUNCILMEMBERS EARNEST, FLAKE, AND JUDD WERE IN FAVOR. COUNCILMEMBER RILEY WAS ABSENT. MOTION CARRIED WITH ONE ABSENT.

Mayor Fullmer called for a motion.

Motion: COUNCILMEMBER JUDD MOVED TO APPROVE RESOLUTION 2018-03. COUNCILMEMBER FLAKE SECONDED THE MOTION. MAYOR FULLMER,

COUNCILMEMBERS EARNEST, FLAKE, AND JUDD WERE IN FAVOR.
COUNCILMEMBER RILEY WAS ABSENT. MOTION CARRIED WITH ONE ABSENT.

Mayor Fullmer called for a motion to adjourn the council meeting and go into an RDA meeting.

Motion: COUNCILMEMBER JUDD MOVED TO ADJOURN THE CITY COUNCIL MEETING AND GO INTO AN RDA MEETING AT 7:06 PM. COUNCILMEMBER EARNEST SECONDED THE MOTION. MAYOR FULLMER, COUNCILMEMBERS EARNEST, FLAKE, AND JUDD WERE IN FAVOR. COUNCILMEMBER RILEY WAS ABSENT. MOTION CARRIED WITH ONE ABSENT.

Mayor Fullmer reopened the City Council meeting 7:15 PM.

9.3 DISCUSSION AND ACTION – Holdaway Cove Preliminary Plat

The applicant is proposing to subdivide an existing lot of 3 acres into seven (7) individual lots. The subject property is located at 220 S. Holdaway Rd. and is within the R-2-15 zoning district. The mayor and City Council will take appropriate action.

Mayor Fullmer turned the time over to City Planner Elizabeth Hart.

Ms. Hart gave a brief description of the request. She said the Planning Commission and staff were recommending approval. Councilmember Flake asked if the development conformed to the Holdaway Road requirements. Mr. Brim replied that it did.

Mayor Fullmer called for a motion.

Motion: COUNCILMEMBER FLAKE MOVED TO APPROVE THE HOLDAWAY COVE PLAT AS PRESENTED. COUNCILMEMBER EARNEST SECONDED THE MOTION. MAYOR FULLMER, COUNCILMEMBERS EARNEST, FLAKE, AND JUDD WERE IN FAVOR. COUNCILMEMBER RILEY WAS ABSENT. MOTION CARRIED WITH ONE ABSENT.

9.4 DISCUSSION AND ACTION – Waters Edge James Bay Preliminary and Final Plat

The applicant, Flagship Homes, is resubmitting a preliminary plat along with a final plat application for the James Bay subdivision within Waters Edge. The subject property is located south of 400 North and immediately adjacent to the Utah Lake. The plat indicates that there are 28 buildable lots on approximately 21.47 acres with 2.48 acres of open space. The mayor and City Council will take appropriate action.

Mayor Fullmer turned the time over to City Planner Elizabeth Hart.

Ms. Hart gave a brief description of the request. She noted that parcels A and B were on dedicated open space, which included a trail as part of the WatersEdge Master Plan.

She mentioned that the 3-acre beach park was not on the plat at this time. She stated that it would come at a later date when the design had been finalized with staff and the developer. She explained that there was only one access going into the subdivision with a crash gate going into the 3-acre park. Mayor Fullmer requested staff to explain the code. Ms. Hart stated that it was fire code. Mr. Reid explained that it was Appendix D of the fire code which was not adopted by the State of Utah. He said that it was in the guidance that most Fire Marshals use for making their determination. Mr. Brim noted that the fire marshal had reviewed it and was fine with the

design. Mayor Fullmer asked for Councilmember Earnest's opinion as a firefighter. Councilmember Earnest stated that if the fire marshal had reviewed the plans and approved the plan then he was okay with it. Mayor Fullmer noted that the crash gate would go through the park into a parking lot.

Ms. Hart stated that Planning Commission had recommended approval and staff were recommending approval of the preliminary and final plat.

Councilmember Judd asked about the stormwater draining into the lake and what Flagship/WatersEdge was proposing to control it. Bronson Tatton with Flagship Homes replied that if the slope goes away from the home they would put a berm in the back to contain the stormwater on those lots. Councilmember Judd asked if they required it on The Shores subdivision. Councilmember Flake replied that they did not. Councilmember Judd asked if homeowners removed them. Mr. Tatton replied that it varied. Councilmember Judd asked about fencing on the back lots. Mr. Tatton replied that a Clearview fence would be an option. He said that they left this as an option so the homeowners could submit for a permit for a boat dock. The Lake Shore Trail would be owned by Utah County. Mr. Tatton explained the process to get the trail built. Mr. Overson explained that there was an elevation difference between the lots and the shoreline. He asked if they were going to allow access from the lots to the trail and what would be used for stabilization of the slope. He asked if they were going to require a permit to build a staircase, etc. Mr. Tatton responded that in most cases the property line would be on the toe of the slope so the homeowners could do what they wanted with it. Councilmember Earnest asked which slope from the trail to the lake. There was a continued discussion about the slope of the properties and the trail. Mr. Brim stated that the concern was if the developer bermed the backyard and the property owner were to remove it then they would be taking out the safeguard. Councilmember Judd asked if they could have the berm on the west side of the fence, on the outside on the property. Mr. Tatton said that they could put the berm on the public side of the property.

Councilmember Judd asked for clarification on the access to the lake and access across a public trail. He asked if they were talking about foot traffic across the trail. He was concerned with the safeguards that there would be to stop the motorized vehicles. Mr. Wilson replied that he would worry about people trying to put a boat on the lake and getting their vehicle stuck. He said residents would have to drop their boat in somewhere else and then dock their boats for the summer, etc. He noted that any permitting would have to be done through the county and state. Councilmember Judd asked if there was something they could put on the plat to not allow vehicular traffic access on the trail. Ms. Welsh explained that the trail would be part of the park design. Mr. Brim further explained that the trail was part of the master plan and had to be connected to the development. There was further discussion about boat access. Mr. Overson was concerned with ATV traffic, etc. Mr. Brim stated that if there was a fence in the master plan then it would be required to be installed. Mr. Tatton thought that the fence was optional. Councilmember Earnest suggested that they approve adding a gate, etc., onto the trail. Mr. Overson mentioned that they could require them to stabilize their backyard to prevent erosion problems from the lawns. He added that they could also require them to put stairs, etc., if they wanted access to the trail from their yard. Mr. Brim suggested that they add a condition that the applicant provide a stabilization and stormwater plan to be approved by the city prior to issuing the building permit.

The conditions were reviewed:

1. The applicant provides a site stabilization and storm water plan to be approved by the City Engineer during the building permit process.

2. The Berm be to the west, outside of the property line as long as it does not reduce the trail size.
3. If staff finds that the berm is not there, they could go back and adjust it.

Motion: COUNCILMEMBER JUDD MOVED TO APPROVE THE JAMES BAY PRELIMINARY AND FINAL PLAT WITH THE THREE PROPOSED CONDITIONS AND THE ADDED CONDITION WHICH STATES THAT THE APPLICANT SUBMITS AN EROSION CONTROL/STORM WATER PLAN THAT WILL INCORPORATE PLACEMENT OF A BERM ON THE OUTSIDE OF THE WEST PROPERTY LINE OR ALTERNATIVE SOLUTIONS. THIS PLAN SHALL TAKE INTO ACCOUNT THE ENTIRE JAMES BAY SUBDIVISION AND WILL REQUIRE APPROVAL BY THE CITY ENGINEER PRIOR TO THE CITY ISSUING BUILDING PERMITS.

Mr. Overson explained that if they built the trail up they could create a swell and alleviate the berm issue. Mr. Wilson stated that by state law every property owner was required to retain the stormwater on their own property. He noted that this information was included on every plat. There was further discussion about water runoff. Resident David Lauret asked for clarification on the water runoff and over watering of the yards. Mayor Fullmer explained that they were not only discussing stormwater runoff but any additional water that could be coming from the property. Councilmember Judd explained that they were trying to protect the trail and Utah Lake.

COUNCILMEMBER FLAKE SECONDED THE MOTION. MAYOR FULLMER, COUNCILMEMBERS EARNEST, FLAKE, AND JUDD WERE IN FAVOR. COUNCILMEMBER RILEY WAS ABSENT. MOTION CARRIED WITH ONE ABSENT.

9.5 PUBLIC HEARING – Zoning Ordinance Amendment 2018-02

Community Development Director/City Planner Morgan Brim will present text amendments to the Zoning Ordinance, including: Chapter 15.34 Supplementary Development Standards, Section 15.34.190 Drive-Thru Facilities to provide building design standards for material, fenestration and buildings located on street corners; amending residential distance requirements, providing an exception for drive aisles to be located between the front façade and front property line, establishing drive aisle dimensions, providing requirements for screening and landscaping, restricting placement of menu boards, providing walkway requirements, and establishing zoning graphics to illustrate standards.

Amending Vineyard Zoning Ordinance Chapter 15.12 Establishment of District and Zoning Tables, Section 15.12.050, District Use Table, adding Drive-Thru Facilities as a permitted use in the RMU, FMU, RC and M Districts with reference to table note 7 which references Section 15.34.190, Drive-Thru Facilities. Including requirements to obtain a Conditional Use Permit for Drive-Thru Facilities with drive aisle located between the building front façade and front property line. The mayor and City Council may act to approve (or deny) this request by ordinance.

Mayor Fullmer turned the time over to Community Development Director Morgan Brim.

Mr. Brim gave a brief background on the drive-thru ordinance and explained the reason for the amendment. He said that the amendment provided a provision to allow a drive aisle in front of the building if the builder followed specific standards. He read Subsection G. "Drive-thru aisles and exit lanes are only permitted on the side and rear of buildings, except as provided for in Part 12 of this section." He said that they added some specific architecture requirements, which were

that a pedestrian isle would increase in width and the hours of operation and distances from residential property line would change. He noted that they also included graphics. He said that Part 12 would be the exceptions.

Mr. Brim stated that Planning Commission and staff were recommending approval.

Mayor Fullmer called for a motion to open the public hearing.

Motion: COUNCILMEMBER JUDD MOVED TO OPEN THE PUBLIC HEARING AT 7:49 PM. COUNCILMEMBER FLAKE SECONDED THE MOTION. MAYOR FULLMER, COUNCILMEMBERS EARNEST, FLAKE, AND JUDD WERE IN FAVOR. COUNCILMEMBER RILEY WAS ABSENT. MOTION CARRIED WITH ONE ABSENT.

Mayor Fullmer called for public comment. Hearing none, she called for a motion to close the public hearing.

Motion: COUNCILMEMBER FLAKE MOVED TO CLOSE THE PUBLIC HEARING AT 7:49 PM. COUNCILMEMBER EARNEST SECONDED THE MOTION. MAYOR FULLMER, COUNCILMEMBERS EARNEST, FLAKE, AND JUDD WERE IN FAVOR. COUNCILMEMBER RILEY WAS ABSENT. MOTION CARRIED WITH ONE ABSENT.

Mayor Fullmer called for further questions.

Councilmember Judd stated that he felt comfortable with the amendment after watching the Planning Commission process.

Mayor Fullmer called for a motion.

Motion: COUNCILMEMBER FLAKE MOVED TO APPROVE ORDINANCE 2018-02. COUNCILMEMBER EARNEST SECONDED THE MOTION. ROLL CALL WENT AS FOLLOWS: MAYOR FULLMER, COUNCILMEMBERS EARNEST, FLAKE, AND JUDD WERE IN FAVOR. COUNCILMEMBER RILEY WAS ABSENT. MOTION CARRIED WITH ONE ABSENT.

9.6 DISCUSSION AND ACTION – Consideration of a Vineyard Tree Manual, Tree Relocation Plan, and the Hiring of an Arborist Consultant

Community Development Director Morgan Brim will be presenting, on behalf of the Staff Working Committee, a request for the approval of a Vineyard Tree Manual, a Tree Relocation Plan, and the hiring of an Arborist Consultant. The mayor and City Council will take appropriate action.

Mayor Fullmer turned the time over to Community Development Director Morgan Brim.

Mr. Brim explained that staff had created a Staff Planning Committee, which included Planning, Zoning, Economic Development, Water, Sewer, Public Works, Engineering, and Councilmember Flake. The committee was organized to tackle specific issues. The committee wanted to make sure they had policies in place to help maintain a healthy Vineyard urban forest.

Mr. Brim gave a description of an urban forest and the reason for the recommendations.

Mr. Brim explained that the committee's approach was three-fold: planning, policy development, and education

Planning

Mr. Brim said that the first thing that needed to be done was to implement a phased tree location plan.

He said that there were significant issues and that the committee identified 30 trees that needed to be moved now to save the infrastructure. He felt that they needed to hire an arborist consultant to build an inventory and a GIS data base. He said that in the future they needed to consider using Crime Prevention Through Environmental Design (CPTED), meaning trees were placed in a way so that they did not create hiding places, which would also help law enforcement. He said they also needed to consider how much control they wanted the city to have over private property.

Policy Development

Mr. Brim said that the committee had developed a Vineyard Tree Manual. He felt that the manual would help staff and the developers. He explained that they had looked at low maintenance trees and where they could be appropriately planted. He said that they would be looking at code enforcement at a later date.

Education

Mr. Brim explained that they had created an FYI form that would be available on the city's website. He said that they would be using social media and providing resources to the residents. He added that they would be looking into energy reduction grants.

Mr. Brim stated that the committee's recommendation was that council adopt the Vineyard Tree Manual. He mentioned that they had already approved funding to hire a contractor to relocate the trees and to hire an arborist.

Mr. Love explained the tree location plan. He said the areas chosen to have trees relocated to, were the Maples detention basin, LeCheminant pocket park and detention basin, and the new City Hall/Offices. He said that this would be Phase 1. Councilmember Judd asked if the city would be taking the responsibility from the developer if they were to move the trees now. Mr. Overson replied that the city would be moving trees on Center and Main Streets under the Homesteads Development, which were now the city's responsibility. He added that they would not be doing anything with the Waters Edge trees. Waters Edge would be covering the cost to move the trees in their development.

Mayor Fullmer asked if council would be approving the committee's plan as to the location that they would be moving the trees. Mr. Brim replied that they could provide guidance on relocation of the trees, but the approval tonight would be the tree manual. Mr. Love said that he met with the company that would be moving the trees and they agreed with the locations.

Mayor Fullmer commented about moving trees to the detention area in The Shores subdivision. She also mentioned the location in the Maples areas. She felt that it would be a good idea to come up with a process as to how they decided where to put the trees. She suggested that they do public outreach and put it out to the public before they move the trees. Councilmember Flake explained that they needed to move these trees quickly and place them close to where the trees were presently located for their survival. Mr. Love clarified that the trees identified were already hazards to infrastructure and would not be replaced.

Councilmember Earnest asked if the tree manual would be a policy and a guideline. He expressed concern that they were telling people what they could do with their private property. Councilmember Judd felt that they were not telling people but the policy would include easements. Mr. Brim explained that it would be a requirement for public property and a guideline for private property.

Mayor Fullmer asked what the timeline would be for moving the trees. Mr. Love replied that they needed to move the trees before they bud out and there was new growth. He said that the tree mover felt that they had a two-year window to move them. He added that the times to move them would be in the spring and fall.

Councilmember Judd noted that he was in favor of the tree plan. Mr. Love stated that for private property owners the tree manual would be a guide for their planter strip between the curb and sidewalk, so that they did not plant trees that would uproot or raise sidewalks, etc.

Mr. Brim mentioned that the manual was the Planning Department's intern David Jellen's project.

Mr. Jellen explained that the manual was divided into two parts: text and a compilation of the recommended trees. He said that a lot research had been put into the recommended trees and then classified based on height at maturity. He added that the trees were all locally available. Councilmember Flake commented that there were no perfect trees. He said they needed to have flexibility and allow for other trees. He stated that these were the most efficacious plants for Vineyard's soil and location, etc.

Mr. Love noted that if the city needed an Earth Day project that a tree ring would need to be created to protect the trees after they were moved. Mayor Fullmer commented that they were looking for projects and volunteers for Earth Day and possibly Arbor Day.

Mayor Fullmer called for a motion.

Motion: COUNCILMEMBER JUDD MOVED TO APPROVE THE PROPOSED VINEYARD TREE MANUAL. COUNCILMEMBER FLAKE SECONDED THE MOTION. MAYOR FULLMER, COUNCILMEMBERS EARNEST, FLAKE, AND JUDD WERE IN FAVOR. COUNCILMEMBER RILEY WAS ABSENT. MOTION CARRIED WITH ONE ABSENT.

9.7 TRAINING – Open and Public Meetings Training

City Attorney David Church will present annual training on Open and Public Meeting procedures and requirements. The City Council as well as members of the Planning Commission will attend this training. This training is provided annually pursuant to Section 52-4-104 of the Utah State Code.

Mayor Fullmer turned the time over to City Attorney David Church.

Mr. Church explained the reason that they were required to hold "Open and Public Meetings" training. He noted that the training compliance had been added to the audit process.

Mr. Church explained the "Open and Public Meetings Act" found in the Utah State Code. He noted that none of the changes from the legislature this year affect cities and towns.

Mr. Church said the legislature found it necessary to put an actual declaration of public policy. He then read the act.

Mr. Church explained that there were two policies: one that stated that the actions were done openly and the second policy stated that they deliberate openly. He explained that it had been difficult for some organizations to comply with. He said that there were some issues that would be quicker and easier if they did not do them in a public forum, but the policy behind the act was openness. He added that they had traded efficiency for transparency.

Mr. Church said that the act defined meetings, the openness of meetings, and the records that must be kept of those meetings. He read the definition of a meeting. He noted that there were exceptions to the definition of a meeting, which were a purely social occasion and a chance get together. Public bodies are bodies that were created by ordinance, resolution, constitution, or an official action, that has two or more persons, supported by public money, and has been given the power to do or advise on doing the public's business. He listed some of the public bodies the city had: Planning Commission, City Council. If the city were to create a Town Days Committee and give them a job, they could be a public body. He gave other examples of public bodies. He said that ad-hoc committees were not public bodies.

Mr. Church gave the definition of a quorum, a convened meeting, and gave examples. He explained how they were to comply with the convening of a meeting: posting a notice of the meeting, which must include an agenda, and have the doors open for the public to watch them meet. He said that if they were to make a decision on a matter that was not on the agenda, that decision would be voidable under the law if it were challenged. They had to challenge it within 90 days of passage unless it was bond issue and then they had 30 days to challenge it. He said that if it was challenged then the council could call a meeting and put it back on the agenda and reapprove it.

Mr. Church said that there was an exception for an emergency meeting and gave the definition of an emergency.

The question was asked how the public meeting corresponded with emails, etc. Mr. Church responded that a meeting was defined by whether they were convened in person or electronically. He said that with the change in technology the legislature added a section that defines electronic communication that includes a portion in the act that states, "nothing in this act can be construed to make it a violation of the act for members of a public body to communicate through electronic communications outside the meeting." If there were a group of the public body on the phone together discussing public business then it would be a clear violation of the act with Facebook post or comment if another councilmember were to comment on the post then it most likely would not be a violation of the act. If they were to purposely start an email meeting to discuss an issue over email would be cheating. He said "don't cheat."

There was a discussion about how to notice and hold emergency meetings. He said the exception to emails and text messaging would if they were doing it in a public meeting. They would be in violation of the act if they were emailing or texting each other in a public meeting about the items they were discussing. He stated that council members should not have their phones on during a public meeting for transparency.

Mr. Church briefly talked about closed session. He stated that planning commissions should not hold closed session unless they were meeting with an attorney on pending or imminent litigation.

Mr. Church mentioned that the act also defined what kind of records needed to be kept for the meetings. There was a minimum level of detail that had to be included in the record. Some of the required information was who spoke and the actual vote of the members. The draft and

approved minutes must be available after a specific period of time. Meetings must be recorded and available to the public.

Ms. Welsh asked about using public emails v. private emails. Mr. Church explained that it was neither good nor bad for the city but could be bad for the individual. He stated that the question was if they were public documents which were subject to the Government Records Access Management Act (GRAMA). He said the biggest issue would be if they comingled the public documents with their personal and what would be available to the lawyers when they do "discover." It does not mean that their personal information becomes public but a judge or lawyer will have the right to make that decision. He suggested that if they could they should keep those things separate. If they were comingled they should try to separate them. Ms. Spencer mentioned that there was a retention on their emails and what types could be deleted immediately, depending on the subject matter.

Mr. Church closed the training by stating that the open and public meetings act was enforced by criminal penalties.

CLOSED SESSION

Mayor Fullmer asked if there was a reason to go into a closed session.

Motion: COUNCILMEMBER JUDD MOVED TO GO TO A CLOSED SESSION FOR A STRATEGY SESSION TO DISCUSS PENDING OR REASONABLY IMMINENT LITIGATION AND A STRATEGY SESSION TO DISCUSS THE PURCHASE, EXCHANGE, OR LEASE OF REAL PROPERTY AT 8:42 PM. COUNCILMEMBER FLAKE SECONDED THE MOTION. ROLL CALL WENT AS FOLLOWS: MAYOR FULLMER, COUNCILMEMBERS EARNEST, FLAKE, AND JUDD WERE IN FAVOR. COUNCILMEMBER RILEY WAS ABSENT. MOTION CARRIED WITH ONE ABSENT.

ADJOURNMENT

Motion: COUNCILMEMBER FLAKE MOVED TO ADJOURN THE MEETING AT 9:00 PM. COUNCILMEMBER JUDD SECONDED THE MOTION. MAYOR FULLMER, COUNCILMEMBERS EARNEST, FLAKE, AND JUDD WERE IN FAVOR. COUNCILMEMBER RILEY WAS ABSENT. MOTION CARRIED WITH ONE ABSENT.

The next regularly scheduled meeting is March 28, 2018.

MINUTES APPROVED ON: March 28, 2018

CERTIFIED CORRECT BY: [Signature]
PAMELA SPENCER, CITY RECORDER

